



State of Maryland — Department of Health and Mental Hygiene
MENTAL HYGIENE ADMINISTRATION
Catonsville, Maryland 21228

NOTIFICATION TO INDIVIDUAL OF ADMISSION STATUS AND RIGHTS

Health-General Article, Title 10 and Criminal Procedure Article, Title 3, Annotated Code of Maryland are the laws which pertain to individuals who are confined in mental hygiene facilities. All references in this document are to those statutes.

Health-General Article (H-G), Title 10, "Mental Hygiene Law," Subtitle 6. "Admission Procedures," Subtitle 7. "Rights of Mentally Ill Individuals in Facilities," and Subtitle 8. "Release and Transfers"

Criminal Procedure (C-P) Article, Title 3. "Incompetency and Criminal Responsibility Criminal Cases"



Within 12 hours after an individual is confined in a facility, a staff member shall inform the individual of:

- The basis for admission and the provisions of the law pertaining to the admission [H-G, §10-631(a)(1)];
- The right to consult with an attorney of the individual's choice [H-G, §631(a)(2)];
- The rights of an individual in a facility [H-G, §§10-631(c) & 10-701—713].

This notification shall be given to:

- The individual and read in English or whatever language and terms are appropriate to the individual's condition and ability to understand [H-G, §§10-631(c) & 10-701(f)];
- If the individual does not understand the notification:
 - the parent, guardian, or next of kin of the individual;
 - The person who signed the application for admission to the facility, if the individual has been confined on the basis of certificates for involuntary admission; and
 - Any other person who has significant interest in the status of the individual [H-G, §10-631(b)(2)]; and
- The individual again at the time of new application for voluntary admission or the execution of new certificates for involuntary admission [H-G, §10-631(e)].

NOTICE OF ADMISSION STATUS

_____ has been confined in _____
Name of Individual Name of Facility

on the basis of:

- ☐ A Voluntary Agreement for Treatment which has been read and signed by the individual and the individual is 16 years old or older (Health-General Article, §10-609);
- ☐ A Voluntary Agreement for Treatment which has been read and signed by the parent or guardian of the person, and the individual is a minor (H-G Article, §10-610);
- ☐ 2 certificates for Involuntary Admission (H-G Article, §§10-616—619);
- ☐ Civil commitment at hearing (C-P Article, §3-106)
- ☐ An Order of the Court:
 - ☐ For examination as to competence to stand trial (C-P Article, §3-105);
 - ☐ Following a finding that the individual is incompetent to stand trial and, because of a mental disorder, is a danger to self or to the person or property of another (C-P Article, §3-106);
 - ☐ For examination as to criminal responsibility and competence (C-P Article, §3-111);
 - ☐ Following a finding of Not Criminally Responsible (C-P Article, §3-112);
 - ☐ A hospital warrant (C-P Article, §3-121); or
 - ☐ An Order of the Court for a juvenile.

I certify that this document, informing me of my admission status and rights, has been read and explained to me. I was given the opportunity to ask questions and to receive additional information on the above listed rights.

Date and Time	Signature of Individual
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◆ ◆ ◆ ◆ ◆

Individual did not sign above because: _____

- ☐ I certify that I have informed _____ of his/her admission status and rights in accordance with the provision of Health-General Article Title 10 and/or Criminal Procedure Article Notice of Admission.
- ☐ has ☐ has not been given to parent, guardian, or next of kin.

(Signature of Staff)	(Date)	(Time)

PATIENTS' RIGHTS

AN INDIVIDUAL IN A MENTAL HYGIENE FACILITY HAS THE RIGHT TO:

- ◆ Receive appropriate humane treatment and services that restrict the individual's liberty only to the extent necessary and consistently with the individual's treatment needs and applicable legal requirements [H-G, §10-701(c)(1)];
- ◆ Receive treatment in accordance with an individualized treatment plan (ITP) [H-G, §10-701(c)(2)];
- ◆ Be free from restraints and seclusion except:
 - ▶ In an emergency where the individual presents a danger to the life and safety of the individual or of others; or
 - ▶ To prevent serious disruption of the therapeutic environment [H-G, §10-701(c)(3)];B
- ◆ Be free from prone restraint or restraint that:
 - ▶ Applies pressure to the individual's back;
 - ▶ Obstructs the airway of the individual or impairs the individual's ability to breathe;
 - ▶ Obstructs a staff member's view of the individual's face; or
 - ▶ Restricts the individual's ability to communicate distress [H-G, §10-701(c)(4) & (5)]
- ◆ Be free from mental abuse and be protected from harm and physical and sexual abuse [H-G, §10-701(c)(6) & (7)];
- ◆ Have an advocate of the individual's choice participate in the treatment planning & discharge planning process, except when the:
 - ▶ Individual is a minor or an adult under guardianship in accordance with §13-705 of the Estates & Trusts Article;
 - ▶ Parent of the minor or the legal guardian of the individual has requested that the advocate not participate;
 - ▶ Advocate is an attorney acting in the capacity of legal counsel to the individual; or
 - ▶ Advocate has engaged in behavior that is:
 - Disruptive to the individual, other patients, or staff at the facility; or
 - Poses a threat to the safety of the individual, other patients, or staff at the facility [H-G, §10-701(c)(8) & (d)]
- ◆ Subject to the provisions of H-G, §10-708, receive treatment in accordance with the preferences in the individual's advance directive for mental health services, if one exists [H-G, §10-701(c)(9)]
- ◆ Have access to the resident grievance procedure that has been established at the facility [*Coe vs Hughes*, COMAR 10.21.14];
- ◆ Have reasonable access to writing materials and postage, and to have mail sent out promptly and, except at the direction of the addressee, without being opened, unless limited for medical reasons [H-G, §10-702(a)];
- ◆ Have reasonable access to a telephone to call anyone who has not given written notice of being unwilling to be called, unless limited for medical reasons [H-G, §10-702(b)];

- ◆ At all reasonable hours, visit and have private conversation with a lawyer or clergy of choice [H-G, §10-703(a)(1) & (2)];
- ◆ At reasonable visiting hours, visit and have private conversation with any visitor whom the individual wishes to see, unless limited for medical reasons [H-G, §10-703(a)(3)];
- ◆ Vote and receive, hold, and dispose of property [H-G, §10-704] (NOTE: Access to personal property may be restricted for medical and/or security reasons);
- ◆ Participate in the development and periodic updating of the ITP, and be told, in appropriate terms and language, of:
 - ▶ The content and objectives of the plan;
 - ▶ Then nature and significant possible adverse effects of recommended treatments;
 - ▶ The name, title, and role of the persons responsible for carrying out the treatment; and
 - ▶ When appropriate, alternative treatments or mental health services that are available [H-G, §10-706(c)];
- ◆ Refuse to participate as a subject in physically intrusive research conducted at the facility [H-G, §10-707];
- ◆ Choose to refuse medication used for the treatment of a mental disorder except when:
 - ▶ The medication is ordered by a physician in an emergency where the individual presents a danger to the life or safety of the individual or of others, or
 - ▶ The individual is hospitalized involuntarily or by order of a court, and medication is approved by a clinical review panel [H-G, §10-708];
- ◆ An aftercare plan in accordance with Health-General Article, §10-809, before being discharged [H-G, §10-709]; and
- ◆ If a minor in a residential State facility, be placed in a unit for minors, unless the individual treatment plan provides otherwise [H-G, 10-710].



ADVANCE DIRECTIVE FOR MENTAL HEALTH SERVICES:

Subject to the provisions of Health-General Article, § 10–708, Annotated Code of Maryland, if the individual has an advance directive for mental health services provided for in Health-General Article, § 5–602.1, Annotated Code of Maryland, the individual shall receive treatment in accordance with the preferences in the advance directive [H-G, §10-701(c)(9)].



AN INDIVIDUAL WHO HAS ENTERED A FACILITY ON THE BASIS OF CERTIFICATES FOR INVOLUNTARY ADMISSION HAS THE RIGHT TO:

- ◆ An administrative hearing to be held within 10 days of initial confinement to determine if the individual will be involuntarily admitted or released. The hearing may be postponed for good cause for no more than 7 days, and the postponement shall be on the record [H-G, §10-632];

- ◆ Apply to a court of competent jurisdiction for a writ of habeas corpus to determine the cause and legality of detention [H-G, §10-804];
- ◆ Petition the court for a judicial release from the facility so that a judge or jury can determine if the individual has a mental disorder necessitating inpatient care or treatment for the protection of the individual or another [H-G, §10-805].



RIGHT TO LEGAL COUNSEL:

An individual who has been confined in a mental hygiene facility has the right to consult with an attorney of choice. If the individual is unable to afford an attorney, the Office of the Public Defender shall provide legal representation at the commitment hearing. If the individual does not have an attorney, the individual may contact the Legal Aid Bureau, Lawyer Referral Service, Maryland Disability Law Center, and other agencies that exist for the referral of individuals who need legal counsel. Each individual shall be given the opportunity to call or write a lawyer or a referral agency or to have someone do so on behalf of the individual [H-G, §10-631(a)(2)-(4)].

The services and programs of the Department of Health and Mental Hygiene are provided on a nondiscriminatory basis and in compliance with Title VI of the Civil Rights Act of 1964. Any complaints regarding alleged discrimination may be filed in writing with the Director, Mental Hygiene Administration, Spring Grove Hospital Center, 55 Wade Avenue, Dix Building, Catonsville, MD 21228 and the Office of Civil Rights, U.S. Department of Health and Human Services, 150 S. Independence Mall West, Suite 372, Philadelphia, PA 19106-3499.

Notice of Admission Status and Rights must be on this form [Health-General Article, §10-631(s)].